

The Poacher's Package
January 31, 2007

SENATE FISH AND GAME
EXHIBIT NO. 7
DATE 2-8-07
BILL NO. SB 100

A group of professional and conservation organizations have come together to support bills aimed at protecting Montana's fish and wildlife resources. These bills attempt to enhance game warden presence as well as to focus law enforcement efforts against those who would exploit our state's resources for their personal gain. In sum, the bills have come to be referred to as the "Poacher's Package." The organizational support for these bills is listed with their description. We ask for your support in these efforts that we believe will protect the *Best of the Last Best Place* and take a major bite out of wildlife crime in Montana.

HB 226 - "Revise replacement license law"

By Representative Cohenour

- Current law makes it illegal to transfer a hunting or fishing license or permit to another individual.
- HB 226 focuses on the "replacement license, permit, or tag" and specifically makes it illegal to transfer those licenses, permits, or tags.
- FWP license statistics show that the number of duplicate licenses purchased has risen from about 4,000/year to 7,000/year. This reflects a situation of replacement license purchases for reasons other than simple, inadvertent loss or misplacement.
- FWP game wardens regularly find duplicate licenses involved in large-scale commercial poaching operations. .
- HB 226 passed the House 3rd reading 62-36.

Supported by Montana Game Warden's Association, Montana Outfitters' and Guide's Association, Montana Wildlife Federation, and the Montana Bowhunters Association.

SB 115 - "Revise allocation of wildlife crime restitution penalties to FWP"

By Senator Jent

- With an increase in organized, large-scale wildlife crime activity, the need for additional investigation and court preparation has grown significantly.
- Current law divides restitution imposed by the courts for wildlife crimes: First \$60,000 to FWP for law enforcement and hunter education* with the remainder applied to the State General Fund.

- Restitution is **NOT** the fine. Legislators established restitution amounts because they believe poachers steal from Montana and Montanans and the state must be reimbursed for those losses.
- SB 115 redirects all restitution collected for illegally killing or possessing wildlife (an approximate increase of about \$128,000/year) to FWP. This money would be used to fund regional investigators who would pursue major poaching cases.
- We believe the funding of investigations and prosecution of poachers should be paid for *by the poachers*- not sportsmen's conservation dollars.
- SB 115 is supported by a broad coalition of hunters, anglers, game wardens, and landowners and outfitters. At the hearing there were no opponents. SB 115 passed executive action, unanimously.
- SB 115 passed 3rd reading 39-10.

Supported by Montana Game Warden's Association, Montana Outfitters and Guide's Association, Montana Wildlife Federation, and the Montana Bowhunters' Association.

SB 205 - "Eliminate vacancy saving application to game wardens"

By Senator Jent

- SB 205 simply provides an exception from vacancy savings for Montana's FWP game wardens.
- Montana Highway Patrol officers were exempted from the vacancy savings mandate two years ago.
- There are 72 warden districts in Montana, each roughly the size of Delaware.
- Game wardens do not work shift like other law enforcement personnel. *They are on duty 24/7* to respond to calls, complaints, inquiries regarding Montana's fish, wildlife, and parks, including boating and water safety, snowmobile operations and safety, off-highway vehicle use and safety, as well as commercial licensing and permits.
- 4% vacancy savings leaves 4 game warden districts vacant and vulnerable to poachers, unlicensed outfitters, and violators who simply "seize the opportunity" when they are unlikely to be caught.
- Montanans place a high value on our wild resources, their preservation, enhancement, and protection. When you need a game warden, the last thing you want to hear is that his district is "vacant."

- Mark Henckel of the *Billings Gazette* strongly supported SB 205 in a Jan. 14 editorial.
<http://www.billingsgazette.net/articles/2007/01/14/features/outdoors/25-montana.txt>
- SB 205 is supported by sportsmen, landowners, and outfitters. At hearing, there were no opponents; the bill passed executive action and will be debated on 2nd reading Friday, Feb. 2.

Supported by Montana Game Warden's Association, Montana Outfitters' and Guide's Association, Montana Wildlife Federation, and the Montana Bowhunters Association.

SB 100 -"Revise outfitter laws/felony outfitting without license"

By Senator Jent

- This bill puts major wildlife crime in Montana in the crosshairs.
- SB 100 moves the penalty of outfitting without an outfitter's license from a misdemeanor, which has become little more than a "slap on the wrist," to a felony. This provides yet one more important tool to deal with major resource violations in Montana.
- This bill is aimed towards those who are making a substantial illicit living at illegal wildlife activity. Most, if not all unlicensed hunting outfitters are also involved in tag transfers, hunting without licenses, overlimits, etc.
- Statutes created by SB 100 could be used when someone is caught outfitting without an outfitter's license "...for any portion of 3 or more days within 1 calendar year," and he or she is doing so "knowingly and purposefully." or, when such a person enjoys "consideration valued in excess of \$1,000."
- SB 100 allows a judge, following a conviction, to impose a fine of "not less than \$10,000 or more than \$50,000," and imprisonment for up to 5 years, or both." A judge does not have to impose a prison sentence for the first felony.
- Although prison time for the violation of the statute would be possible, very few people currently convicted of wildlife felonies do jail time. Most receive significant fines, loss of privileges as well as a felony record. Those who have gone to prison generally have a number of other violations (both wildlife and other activities) that a judge feels merits incarceration. *SB 100 will not fill prisons with unlicensed outfitters.*

- There are lots crimes that currently are felony status: stealing anything valued in excess of \$1,000; spousal or partner abuse, vehicle theft, transporting an illegally killed game animal across the state line, among others.
- SB 100 does not place enforcement or prosecution on the Montana Board of Outfitters (MBO.) If passed, it would be under Title 87 (Fish, Wildlife & Parks). Prosecution would be handled through State Game Wardens, Montana Fish, Wildlife & Parks and local county attorneys with assistance from the Attorney General's Office.
- SB 100 will be enforced by FWP. The Montana Board of Outfitters does not have authority over unlicensed operators. SB 100 changes nothing in the authority of the Board of Outfitters.
- Aside from losses to wildlife and fisheries resources as well as public access, unlicensed operators do not carry workers' compensation, unemployment insurance, or, for that matter, any insurance whatsoever. They do not pay taxes on the illicit revenues they generate.
- Unlicensed operators cannot legally operate on Forest Service, BLM, or State Lands. They often encroach on private lands including those in the Block Management program.
- Sportsmen, landowners, and outfitters broadly support SB 100.
- The Private Lands/Public Wildlife Council endorsed SB 100.

Initiated by the Montana Outfitters' and Guide's Association and supported by Montana Game Warden's Association, Montana Wildlife Federation, and Montana Stockgrowers Association.